IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

**O R D E R**

Pratap Singh. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 879/2006
against the Order dated 31-5-2006 passed
by the Addl. Sessions Judge, Nathdwara,
district Rajsamand, in Criminal Revision
No. 15/2005.

...

Date of Order: September 14, 2006

**PRESENT**

**HON'BLE MR. JUSTICE H.R. PANWAR**

Mr. Anuj Sahlot, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor.

**BY THE COURT:**

By this criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner seeks modification in the order dated 31-5-2006 passed by the Additional Sessions Judge, Nathdwara, district Rajsamand(for short, "the trial Court" hereinafter) in Criminal Revision No.15/2005, whereby the revision petition filed by the petitioner against the order dated 9-

5-2006 passed by the Judicial Magistrate, Nathdwara, district Rajsamand (for short, "the trial Court" hereinafter) was allowed and the vehicle in question was ordered to be released on furnishing the bank guarantee of Rs.75,000/-.

I have heard learned counsel for the petitioner and the Public Prosecutor. Perused the order impugned.

Learned counsel for the petitioner submits that the Revisional Court, by the impugned order, directed the trial Court to release the jeep No. RJ.27-T-1465 on furnishing the bank guarantee of Rs.75,000/-, which is an onerous condition and submits that the impugned order may be modified by allowing the petitioner to furnish solvent security instead of bank guarantee.

A coordinate Bench of this Court, in Rajendra Kumar Vs. State of Rajasthan, S.B. Criminal Misc. Petition No. 521/1995 decided on 21-8-1995, in a similar case, modified the order of the trial Court by allowing the petitioner therein to furnish Supurdginama along with surety bonds instead of bank guarantee for release of the vehicle in that case.

Having regard to the facts and circumstances of the instant case, in my view, directing the petitioner to furnish the bank guarantee appears to be a condition onerous and, therefore, the ends of justice would be met if the condition of giving the bank guarantee is modified by directing him to furnish

solvent security.

The criminal miscellaneous petition is allowed. The impugned order dated 31-5-2006 passed by the Revisioinal Court is modified to the extent that the jeep in question be given to the petitioner on furnishing the Supurdginama along with one solvent security in the sum of Rs.75,000/-

(H.R. PANWAR), J.

mcs